

MANAGEMENT DEPARTMENT[541]

Adopted and Filed

Pursuant to the authority of Iowa Code section 8.6, the Department of Management hereby amends Chapter 1, “Organization and Operation,” Chapter 5, “Petitions for Rule Making,” Chapter 6, “Declaratory Orders,” Chapter 7, “Agency Procedure for Rule Making,” and Chapter 8, “Public Records and Fair Information Practices,” and rescinds Chapter 10, “Iowa Targeted Small Business Interim Guidelines,” and Chapter 15, “Local Government Innovation Fund Committee,” Iowa Administrative Code.

These amendments, which are nonsubstantive, correct the address to which various rule-making petitions, inquiries, and comments are to be submitted to the Department, include changes that reflect the current organizational structure of the Department, and reconcile definitions.

The amendments will not necessitate additional expenditures by political subdivisions or agencies and entities which contract with political subdivisions and will not have an impact on small business.

A waiver provision is not included.

Notice of Intended Action was published in the Iowa Administrative Bulletin on October 16, 2013, as **ARC 1124C**. The Department received no comments during the comment period. These amendments are identical to those published under Notice of Intended Action.

The Department of Management adopted these amendments on February 20, 2014.

After analysis and review of this rule making, no adverse impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 8.6, 17A.9, 25.1, 22.11 and 25B.6.

These amendments will become effective April 23, 2014.

The following amendments are adopted.

ITEM 1. Amend rule 541—1.4(8) as follows:

541—1.4(8) Duties of the department. The department of management plans, develops, and recommends policy decisions for management of state government; administers local budget laws (cities, counties, and schools); oversees and ensures compliance with affirmative action; implements policies through coordination and budget processes; and monitors and evaluates the consistent, efficient, and effective operation of state government. The department consists of ~~the director’s office, the Iowa Washington, D.C. office, administrative services division, five planning/budgeting divisions, budgeting, planning and early childhood operations~~ and the following agencies or boards: state appeal board, ~~criminal and juvenile justice planning agency,~~ city finance committee, county finance committee, and ~~the Iowa advisory commission on intergovernmental relations~~ early childhood Iowa state board.

ITEM 2. Amend rule 541—1.5(8) as follows:

541—1.5(8) Definitions.

“*City budget*” means the budget adopted by city officials which incorporates specified requirements as stated in Iowa Code section 384.16.

“*Contract compliance director*” means the individual designated to oversee and impose sanctions in connection with state programs emphasizing equal opportunity through affirmative action, contract compliance policies and procurement set-aside requirements.

“*County budget*” means the budget adopted by the board of supervisors pursuant to Iowa Code chapter 331.

“*Department*” means the department of management.

“*Director*” means the director of the department of management as appointed by the governor and subject to senate confirmation.

~~“*Employing agency*” means an agency or department of the state of Iowa.~~

~~“*History of the state employment data*” means the agencies, salaries, job classifications, and dates of employment by the state of Iowa of a named individual.~~

~~“Individual data” means all personally identifiable information not included in the definition of “history of the state employment data.”~~

~~“Management director” means the director of designated clusters of state agencies and the director of local budgets, as appointed by the director of the department of management.~~

~~“Summary data” means the information that is presented in such a manner as to preclude the identification of an individual by name or other identifier.~~

~~1.5(1) to 1.5(5) No change.~~

~~This rule is intended to implement Iowa Code section sections 8.6 and section 25.1 as amended by 1993 Iowa Acts, chapter 180, section 72.~~

ITEM 3. Amend rule 541—1.6(8) as follows:

541—1.6(8) Central office and communications. Correspondence and communications with the department of management shall be addressed or directed to the department’s office located ~~in Room 12, at Department of Management, 1007 East Grand Avenue, State Capitol Building, Room 13, Des Moines, Iowa 50319-0015; telephone (515)281-3322.~~

~~1.6(1) Correspondence and communication with the state board of appeals shall be addressed to its central office in Room 12, at Department of Management, 1007 East Grand Avenue, State Capitol Building, Room 13, Des Moines, Iowa 50319-0015; telephone (515)281-3322.~~

~~1.6(2) Correspondence and communications with the criminal and juvenile justice planning agency shall be addressed to Executive Hills East, Suite 205, Des Moines, Iowa 50319; telephone (515)281-3241.~~

~~1.6(3)~~ **1.6(2)** Correspondence and communications with the county finance committee shall be addressed to ~~Room 12, Department of Management, 1007 East Grand Avenue, State Capitol Building, Room 13, Des Moines, Iowa 50319-0015; telephone (515)281-3322.~~

~~1.6(4) Correspondence and communications with the advisory commission on intergovernmental relations shall be addressed to Room 12, State Capitol Building, Des Moines, Iowa 50319; telephone (515)281-3322.~~

~~1.6(5)~~ **1.6(3)** Correspondence and communications with the city finance committee shall be addressed to ~~Room 12, Department of Management, 1007 East Grand Avenue, State Capitol Building, Room 13, Des Moines, Iowa 50319-0015; telephone (515)281-3322.~~

ITEM 4. Amend **541—Chapter 5**, preamble, as follows:

The department of management ~~incorporates the petitions for rule making segment of the Uniform Administrative Rules which is printed in the first volume of the Iowa Administrative Code with the following amendments hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to petitions for rule making which are published on the Iowa general assembly’s Web site at <https://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf>.~~

ITEM 5. Amend rule 541—5.1(17A) as follows:

541—5.1(17A) Petition for rule making. In lieu of the words “designate office,” insert ~~“Room 12, 1007 East Grand Avenue, State Capitol, Room 13, Des Moines, Iowa 50319-0015.”~~ In lieu of the words “AGENCY NAME,” the heading on the petition form should read:

BEFORE THE DEPARTMENT OF MANAGEMENT

ITEM 6. Amend rule 541—5.3(17A) as follows:

541—5.3(17A) Inquiries. In lieu of the words “designate official by full title and address,” insert ~~“Director, Department of Management, Room 12, 1007 East Grand Avenue, State Capitol, Room 13, Des Moines, Iowa 50319-0015.”~~

ITEM 7. Amend **541—Chapter 6**, preamble, as follows:

The department of management ~~incorporates the declaratory orders segment of the Uniform Rules on Agency Procedure printed in the first volume of the Iowa Administrative Code with the following~~

~~amendments~~ hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to declaratory orders which are published on the Iowa general assembly's Web site at <https://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf>.

ITEM 8. Amend rule 541—6.1(17A) as follows:

541—6.1(17A) Petition for declaratory order. In lieu of the words “(designate agency)”, insert “department”. In lieu of the words “(designate office)”, insert “the Director’s Office, Department of Management, 1007 East Grand Avenue, State Capitol, Room ~~42~~ 13, Des Moines, Iowa 50319-0015”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE DEPARTMENT OF MANAGEMENT

ITEM 9. Amend subrule 6.3(3) as follows:

6.3(3) In lieu of the words “(designate office)”, insert “the Director’s Office, Department of Management, 1007 East Grand Avenue, State Capitol, Room ~~42~~ 13, Des Moines, Iowa 50319-0015”. In lieu of the words “(designate agency)”, insert “department”. In lieu of the words “(AGENCY NAME)”, the heading on the petition form should read:

BEFORE THE DEPARTMENT OF MANAGEMENT

ITEM 10. Amend rule 541—6.5(17A) as follows:

541—6.5(17A) Inquiries. In lieu of the words “(designate official by full title and address)”, insert “the Director, Department of Management, 1007 East Grand Avenue, State Capitol, Room ~~42~~ 13, Des Moines, Iowa 50319-0015”.

ITEM 11. Amend subrule 6.6(2) as follows:

6.6(2) In lieu of the words “(specify office and address)”, insert “the Director’s Office, Department of Management, 1007 East Grand Avenue, State Capitol, Room ~~42~~ 13, Des Moines, Iowa 50319-0015”. In lieu of the words “(agency name)”, insert “department”.

ITEM 12. Amend **541—Chapter 6**, implementation sentence, as follows:

These rules are intended to implement ~~1998 Iowa Acts, chapter 1202, section 13~~ Iowa Code section 17A.9.

ITEM 13. Amend **541—Chapter 7**, preamble, as follows:

~~The department of management incorporates the agency procedure for rule making segment of the Uniform Administrative Rules which is printed in the first volume of the Iowa Administrative Code with the following amendments hereby adopts, with the following exceptions and amendments, the Uniform Rules on Agency Procedure relating to agency procedure for rule making which are published on the Iowa general assembly's Web site at <https://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf>.~~

ITEM 14. Amend subrule 7.5(1) as follows:

7.5(1) Written comments. In lieu of the words “identify office and address,” insert “Department of Management, 1007 East Grand Avenue, Room ~~42~~ 13, State Capitol, Des Moines, Iowa 50319-0015.”

ITEM 15. Amend subrule 7.6(2) as follows:

7.6(2) Mailing list. In lieu of the words “designate office,” insert “Department of Management, 1007 East Grand Avenue, Room ~~42~~ 13, State Capitol, Des Moines, Iowa 50319-0015.”

ITEM 16. Amend subrule 7.11(1) as follows:

7.11(1) General. In lieu of the words “specify office and address,” insert “Department of Management, 1007 East Grand Avenue, Room ~~42~~ 13, State Capitol, Des Moines, Iowa 50319-0015.”

ITEM 17. Amend **541—Chapter 7**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapter 17A ~~as amended by 1998 Iowa Acts, chapter 1202,~~ and Iowa Code section 25B.6.

ITEM 18. Amend **541—Chapter 8**, preamble, as follows:

The department of management hereby adopts, with the following exceptions and amendments, ~~rules of the Governor’s Task Force on Uniform Rules of Agency Procedure relating to public records and fair information practices which are printed in the first volume of the Iowa Administrative Code~~ the Uniform Rules on Agency Procedure relating to public records and fair information practices which are published on the Iowa general assembly’s Web site at <https://www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf>.

ITEM 19. Amend paragraph **8.3(2)“b”** as follows:

b. Mail requests shall be addressed to: Director, Department of Management, 1007 East Grand Avenue, State Capitol, Room 13, Des Moines, Iowa 50319-0015.

ITEM 20. Amend paragraph **8.3(2)“d”** as follows:

d. Telephone requests should be made to (515)281-5192 3322.

ITEM 21. Rescind and reserve **541—Chapter 10.**

ITEM 22. Rescind **541—Chapter 15.**

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/19/14.